

# Labaton Sucharow

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February 25, 2015

**VIA ECF**

Honorable Gregory H. Woods  
U.S. District Judge  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 2260  
New York, New York 10007

Re: *Modern Settings LLC, et al. v. BASF Metals Limited, et al.*, 1:14-cv-9391-GHW.

Dear Judge Woods:

On behalf of plaintiffs in the above-referenced matter, we write regarding the Initial Pretrial Conference scheduled for March 9, 2015, at 3:30 p.m. (the “Conference”). More specifically, we respectfully request an adjournment of the date for filing a Proposed Civil Case Management Plan (“Proposed CMP”), which is currently set for March 2, 2015.

The complaint in this action (“*Modern Settings*”) alleges manipulation of the markets for physical platinum and palladium, and for futures in both metals and other derivatives by four platinum and palladium dealers.

Since the *Modern Settings* action was filed on November 25, 2014, the following two related actions against the same defendants have been filed in this district and have since been assigned to Your Honor as related:

- *White Oak Fund LP v. BASF Metals Limited, et al.*, 1:15-cv-00436-GHW (filed January 21, 2015); and
- *Hollin v. BASF Metals Limited, et al.*, 1:15-cv-01036-GHW (filed February 13, 2015).

I refer to all three actions as the “Related Actions.”

Given the overlap between the factual allegations and legal issues in the Related Actions, these cases are strong candidates for consolidation pursuant to Fed. R. Civ. P. 42(a)(2). In addition, the interests of efficiency and economy would be promoted by the appointment of interim lead counsel and the filing of a single consolidated amended complaint (“CAC”), *see* Fed. R. Civ. P. 23(g)(3), prior to the preparation of a Proposed CMP.



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February 25, 2015  
Page 2

To assist in orderly case management, the parties in *Modern Settings* have entered into a Stipulation, which the Court today “So Ordered,” that calls for a CAC to be filed by April 6. The schedule also sets out a schedule for Defendants’ response to the CAC. Plaintiffs’ counsel in the *White Oak* and *Hollin* actions are amenable to this same approach.

Accordingly, we respectfully request that the parties be given an opportunity to address consolidation and leadership issues at the Conference, and that the deadline for submitting a Proposed CMP be adjourned. This is the first request for such adjournment.

The parties are not seeking to adjourn the March 2 filing deadline for the joint letter called for by this Court’s Notice of Initial Pretrial Conference, dated December 24, 2014.

Finally, counsel for the plaintiffs and defendants in the Related Actions join in this request regarding adjournment of the date for submitting a Proposed CMP.

Respectfully submitted,



Gregory S. Asciolla

cc: Counsel for Defendants

Counsel for Plaintiffs in *White Oak* and *Hollin*